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6 **IN THE UNITED STATES BANKRUPTCY COURT FOR THE**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 In re:

10 JASON de KOCK and ERIN de KOCK,
11 Debtors.

NO. 09-15415-TTG

DEBTORS' RESPONSE TO MOTION TO
DISMISS

12 Comes now Debtors JASON de KOCK and ERIN de KOCK ("Debtors"), and by and through their
13 attorney of record, hereby responds to the Motion to Dismiss brought by the Chapter 13 Trustee. The
14 Debtors maintain that they intend to propose a Plan that is confirmable. They just need some additional
15 time to determine whether they can now obtain a loan modification from their secured mortgage lender.
16 The Debtors note that they have been making their plan payments since filing through payroll deductions.
17 Through their counsel, Debtors had orally agreed to pre-confirmation disbursal to the mortgage creditors,
18 but apparently that order was never entered and the trustee was holding all of the Debtors' funds.
19 However, when the Debtors were made aware that the money was not being disbursed, they undertook to
20 arrange for the Court to approve the disbursal. The Debtors simply need a little time to try to get a loan
21 modification now that BAC Servicing has taken over the servicing of their mortgage loans, which were
22 previously being serviced by Countrywide. The Debtors had been diligently trying to get a loan
23 modification from Countrywide prior to filing, and had paid several thousand dollars to Countrywide as an
24 advance payment, but they never got any further in the loan modification process.

25 DEBTORS' RESPONSE TO MOTION TO DISMISS - 1

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1 DATED this 5th day of May 2010.
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LAW OFFICES OF MELISSA A. HUELSMAN, P.S.

4 By Melissa A. Huelsman /s/
5 Melissa A. Huelsman, WSBA #30935
6 Attorney for Debtors
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